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P A R L E M E N T E U R O P E E N

COMMISSION DES AFFAIRES ETRANGERES ET DE SECURITE

Sous-commission "Droits de l'homme"

Délégation pour les relations avec les pays
membres de l'ANASE et la République de Corée (OIPA)

Communication aux membres

Objet : Timor oriental

Les membres trouveront en annexe, pour information, le texte consacré à l'Indonésie dans le rapport élaboré par le Département d'Etat des Etats-Unis, à l'intention du Congrès, sur les droits de l'homme, publié en février 1992. Ce texte est uniquement disponible dans la langue originale, l'Anglais.

DIRECTION GENERALE DES COMMISSIONS
ET DELEGATIONS

Annexe

12 février 1992

Human Rights Report

INDONESIA

Indonesia is the fifth most populous country in the world and the largest in Southeast Asia. Since independence, Indonesian leaders have sought to create a national identity and to accommodate ethnic, religious, linguistic, and geographical diversities, while fostering cohesion, internal security, and development. The Soeharto Government actively promotes allegiance to "Pancasila," five broad, guiding principles of national life: belief in one supreme God, a just and civilized humanity, Indonesian national unity, democracy, and social justice.

President Soeharto and the military wield predominant political power; opposition groups exist but in fact have no real chance to obtain power. Since the mid-1960's, after an abortive coup backed by the Communist Party, retired and active-duty military officers and civilian technocrats have exercised centralized executive authority under President Soeharto's leadership. The partly elected, partly appointed Parliament (DPR) considers but does not initiate legislation, although it has the constitutional right to do so. The people's consultative assembly (MPR)—consisting of 500 appointed members and the 500 DPR members—meets every 5 years to approve guidelines for government policy and to elect the President and Vice President.

The armed forces (ABRI)—which include the military services and the police—number about 445,000. The army constitutes about half of the armed forces and focuses mainly on internal security. Under a "dual function" concept, many military officers serve in the civilian bureaucracy at all levels and in Parliament. The military continued operations against separatist groups in East Timor and Irian Jaya, although at reduced levels, and intensified operations in the special district of Aceh. Security forces were responsible for numerous human rights abuses, including killings and torture of civilians.

Although Indonesia's mixed economy involves the state in nearly all sectors, government policies are expanding the role and freedom of the private sector. Ongoing deregulation efforts helped the economy to continue its strong expansion in 1990, when Indonesia's inflation-adjusted gross domestic product (GDP) grew between 7.0 and 7.5 percent. Nonoil export growth slowed due to softening prices for Indonesia's major nonoil commodities, but exports of manufactured goods remained strong. The economy's growth was expected to diminish in 1991, but still to maintain a real GDP growth rate of between 5 and 6 percent. Despite substantial increases in real incomes and in the standard of living of most Indonesians in the past 20 years, the country is poor, there is significant unemployment, and wide disparities in wealth exist. Corruption and influence peddling are endemic and distort growth and economic opportunity.

Insurgent sentiment and activity in Aceh led to the deaths of hundreds of civilians, dozens of subversion trials in which the rights of the defendants were limited, and numerous credible reports of torture at the hands of the police and military. Abuses in Irian Jaya also continued, although at a reduced rate from past years. In East Timor, security forces opened fire on November 12 on a demonstration protesting Indonesian rule over East Timor at the Santa Cruz cemetery in the capital of Dili. The demonstration followed a memorial service for a Timorese killed on October 28 during a clash between Timorese for and against integration with Indonesia. Available evidence indicates the violence employed by security forces on November 12 was clearly disproportionate to the situation. Many believe the death toll was far higher than the officially acknowledged number of 19. A national investigatory commission was appointed to examine the incident. The commission issued an advance report on December 26 (see Section 1.a.).

While the DPR held several well-publicized hearings on freedom of the press and on the restricted civil rights of some of Indonesia's prominent dissidents, the hearings failed to reduce abuses in these areas. The DPR remained subordinate to the executive and the right of citizens to change their government remained significantly restricted. Official and informal discrimination against ethnic Chinese persisted. Indonesian workers were less hesitant about exercising their right to strike, especially to demand compliance with minimum wage standards. The Government continued its generous policy toward Indochinese refugees, allowed foreign parliamentary groups to visit East Timor, and released several long-time political prisoners. It also granted the International Committee of the Red Cross (ICRC) access to prisoners in Aceh and to imprisoned Muslim extremists.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

Hundreds, perhaps thousands, of people have died in the special district of Aceh since mid-1989 as a result of a struggle between separatist rebels and government troops. The casualties, whose numbers have so far been impossible to establish with precision, have included police and army troops as well as rebel forces. A significant number of those killed in 1991, however, appear to have been civilians. During the first 6 months of 1991, dozens of bodies were found along roadsides, in market places, and in rivers. The military and other government leaders have claimed that rebel forces, which are called GPK (Security Disturbing Gangs) by the Government and Aceh Merdeka (Free Aceh) by their supporters, were responsible for these deaths. However, the ability of the rebel forces to inflict significant civilian casualties was severely limited in 1991 since, by the military's own assessment, most of the armed rebel elements had been eliminated or rendered ineffective. In fact, there are credible reports of a pattern of abuse against the civilian population of Aceh by security forces. Human rights groups have charged the security forces with serious violations of human rights in their anti-insurgency campaign in Aceh, especially during the first half of 1991. These include summary executions of suspected Aceh Merdeka supporters—part of an effort to intimidate or eliminate potential rebel sympathizers—as well as the incitement of villagers to summarily kill suspected guerrillas. Substantiation of individual cases is often lacking, and rebel forces doubtless have caused some civilian deaths, but government forces clearly appear responsible for the majority of these civilian deaths. While some military commanders have acknowledged privately that excessive force was sometimes employed by their troops, the Government has denied a pattern of abuse, and no charges have been brought against members of the security forces in connection with the civilian deaths.

In East Timor, where a shift from security operations to civic action projects by the armed forces had brought about a gradual reduction in human rights abuses, the situation deteriorated sharply beginning in October. On October 28, shortly after a proposed visit by Portuguese parliamentarians was canceled, a clash between youths for and against integration with Indonesia resulted in the deaths of two youths, one from each faction. After a memorial service for the anti-integration youth on November 12 in Dili, a procession formed to go to the cemetery where he had been buried. Some demonstrators carried flags of the Fretilin guerrilla group and chanted anti-Indonesia slogans. During the course of the march to the cemetery an army major was stabbed. After the procession reached the cemetery, security forces opened fire on the crowd, killing and wounding scores of civilians. There is no evidence that the use of such deadly force was justified. In addition, the acknowledged 19 killed were buried in unmarked graves and, for 12 days after the incident, the army denied the ICRC access to the military hospital to which the dead and wounded had been taken.

Within a week, President Soeharto appointed senior government officials to a national commission to investigate the incident, the first such commission in Indonesian history. The commission spent more than 2 weeks investigating in East Timor. In a preliminary report presented on December 26, the commission concluded that "about" 50 had been killed and acknowledged some eyewitness reports that

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the total was over 100. The commission said that more than the previous official figure of 91 were wounded. The report went on to state that "the acts of a number of armed forces members exceeded the bounds of appropriateness," and called for legal measures to be taken against all those suspected of violating Indonesian law.

Two days after the issuance of the report, President Soeharto ordered that the military commanders in East Timor and the larger region which includes East Timor be relieved. He also ordered the Army Chief of Staff to form an "honorary council" to investigate how security forces handled the incident.

In Irian Jaya, a leader of the banned Free Papua Organization (OPM), Malkianus Salosa, was found dead in the jungle 3 weeks after allegedly escaping from a military prison. Salosa was convicted in March of involvement in a 1988 attack on transmigrants in Irian Jaya and sentenced to life in prison. Salosa was buried on the spot by the military, allegedly with his family's approval. There reportedly was no autopsy or independent observation of the body.

b. Disappearance

Security forces periodically took persons for interrogation, usually without notification to families, resulting in at least their temporary disappearance. This was especially true in Aceh, where people would sometimes disappear for months after being taken into police custody.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The use of torture to extract information from criminal suspects or witnesses is prohibited under the Indonesia Criminal Procedures Code (KUHAP). Nonetheless, credible reports of torture and mistreatment, including rape, of criminal suspects, detainees, and prisoners were frequent.

This was especially true in Aceh, where there were numerous credible reports of systematic torture of suspected rebel symphathizers while in military or police custody.

Police often resort to physical abuse, even in minor incidents, and prison conditions in Indonesia tend to be harsh. Pretrial maltreatment to obtain confessions is reportedly common. The practice in Medan of "shooting to wound" criminal suspects allegedly attempting to escape capture, and efforts by police in Jakarta to cope with increasingly brutal crimes raised concerns about excessive use of force against suspects. In August, for example, credible press reports indicate that 17 suspects were shot by police in metropolitan Jakarta, 8 of whom died from their wounds. Nine other criminal suspects were reportedly killed by mobs who caught the suspects in the act of committing a crime.
Officials have publicly acknowledged and condemned police brutality and harsh prison conditions and occasionally instigate disciplinary action, including transfer, dismissal, trial, and sentencing to prison terms. However, there were no known instances in 1991 of officials being punished for mistreatment of political prisoners or detainees.

d. Arbitrary Arrest, Detention, or Exile

While the KUHAP contains protections against arbitrary arrest and detention and specifies the right of prisoners to legal counsel and notification of family, these safeguards are often disregarded in practice. Detainees in cases of alleged subversion may be held up to a year without charges. Security agencies detain and arrest persons, including students and intellectuals, to intimidate them and inhibit activities judged undesirable. Legal mechanisms for redress of such actions are inadequate. The number of persons detained without trial is unknown, but in the Special District of Aceh the Government during the year released more than 600 people who had been held without trial for periods of up to several months on suspicion of subversive activity or knowledge thereof, and up to 100 more were believed to still be in custody at year's end. People were detained in East Timor for days or weeks and subsequently released without charges. Application of a 1987 presidential decree on remission of prison terms leaves

uncertain the status of some prisoners, including several reportedly still in jail despite apparent expiration of their sentences. Two convicted members of the banned Communist Party of Indonesia (PKI) were released in July, several years after their sentences were supposed to have expired.

The Agency for Coordination of Assistance for the Consolidation of National Security (BAKORSTANAS) operates outside the KUHAP and has wide discretion to detain and interrogate persons thought to threaten national security. Indonesian law does not provide for the right to judicial review of such actions or for the right to protection or legal aid for the detainees. Their cases are rarely if ever publicized.

e. Denial of Fair Public Trial

A quadripartite judiciary of general, religious, military, and administrative courts exists below the Supreme Court. The right of appeal from District Court to High Court to Supreme Court exists in all four systems
of justice. The Supreme Court, with a current backlog of some 17,000 cases, does not consider factual aspects of a case, only the lower courts' application of law. Initial judgments are rarely reversed in the appeals process, although sentences are sometimes increased or reduced. A three-judge panel conducts most trials, poses questions, hears evidence, decides guilt or innocence, and assesses punishment. The judiciary is not independent. While judges receive guidance from the Supreme Court on legal matters, they are civil servants employed by the executive branch. The Supreme Court cannot annul laws passed by Parliament. Most court sessions are open to the public, and most defendants have access to counsel although such access is sometimes significantly delayed. Destitute defendants can obtain private legal help, such as that provided by the Legal Aid Institute (LBH). Courts also can provide a limited amount of aid for those unable to afford legal assistance, but in practice such aid is limited to defendants facing charges carrying sentences of 5 years or more. The State must ensure legal assistance in capital cases.

Corruption permeates the Indonesian legal system. In civil and criminal cases, the payment of bribes can influence decisions, prosecution, conviction, and sentencing. The use in trials of forced confessions and limitations on the presentation of defense evidence are reportedly common. The Government has occasionally taken action against flagrant offenders, but by and large these abuses continue unchecked. The Government supports programs to improve legal awareness, training, and research. Conviction is virtually automatic in cases involving Indonesia's broad 1963 antisubversion law. Advocacy or actions in support of secession or creation of an Islamic state, criticism of Pancasila, and smuggling are classified as subversive offenses subject to a maximum penalty of death. Although the Government does not provide data on the number of persons serving subversion sentences, the best informed estimates suggest a total of more than 500. This figure includes persons sentenced for involvement in the 1965 Communist coup attempt, alleged Muslim extremists, and those convicted of subversion in connection with separatist activities in Aceh, East Timor, and Irian Jaya, some of whom advocated or employed violence. In August the Government reduced the sentences of and released four persons convicted of subversion, including three Muslims accused of delivering inflammatory sermons in connection with the Tanjung Priok riots of 1984.

More than 30 subversion trials were conducted in 1991, the majority of them in Sumatra, where more than two dozen people were tried in connection with separatist activities in Aceh. All were found guilty and received sentences of up to 20 years in prison. Although the fact that public trials were held represented an improvement over an earlier situation in which accused Aceh separatists were held without trial, the proceedings were in many cases seriously flawed. There are credible reports that many of the defendants had been tortured to elicit confessions, were arrested without warrants, and were not clearly told the crimes with which they were charged. Some of the defendants were unable to select their defense counsel freely, as guaranteed under KUHAP. The LBH, for example, had received powers of attorney from the families of 13 of the defendants asking for representation but was prevented by the authorities from doing so in all but one case. When other attorneys were found to represent them, they often met their clients on the day of the trial, and therefore had inadequate time to prepare a defense.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Judicial warrants for searches are required except for cases involving suspected subversion, economic crimes, and corruption. However, forced or surreptitious entry by security agencies reportedly occurs regularly. Security agencies intimidate by conducting surveillance of persons and residences, and they are believed to monitor selectively local and international telephone calls without legal restraint. Correspondence generally is not monitored. Government security officials monitor the movements and activities of former members of the Indonesian Communist Party (PKI) and its front organizations, especially persons the Government believes were involved in the abortive 1965 Communist-backed coup. The Government stated in late 1990 that this latter group then totaled 1,410,333 people. These persons and sometimes their relatives are subject to surveillance, required check-ins, and arbitrary actions by officials, including removal from government employment and threats of removal from such employment.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Significant restrictions on freedom of speech and press exist. Government agencies exercise broad discretionary authority in applying laws concerning the rights of persons, and effective judicial review is lacking. Public statements or publications which criticize the Government or are perceived as critical of Pancasila, top leaders, their families, or particular religious and ethnic groups are often harshly punished. For example, a young Moslem intellectual, M.H. Ainun Nadjib, was banned by authorities in central Java from holding lectures in the province apparently because of comments he made during a public discussion about the effectiveness of a government-run civics course on Pancasila. Earlier in the year, two students were detained and others questioned for their part in distributing a "land for the people" calendar that contained caricatures of President Soeharto, his wife, and other government officials.

The Government operates the nationwide television network. Private television companies broadcasting in Jakarta and Surabaya expanded to other areas, and a private educational channel began operating nationally. Some 537 private radio broadcasting companies exist in Indonesia in addition to the Government's national radio network. Private television and radio stations, which have considerable programming latitude, are subject to official scrutiny and are required to use government-provided news programs. Private radio stations frequently supplement such news programs with their own reports. Foreign television and radio broadcasts are accessible to those who can afford the technology.

The print media are largely privately owned. Officials state that the press is "free" but also "responsible." It is expected to support national development and stability, be educational, and uphold professional standards. The Government limits the number of newspaper licenses, the amount of advertising, and the number of pages, and exercises strong control over the press through its control of publishing permits, known by their Indonesian acronym, SIUPP. The power of the Government to revoke a newspaper's SIUPP was the topic of a parliamentary hearing in June. Editors who testified protested that the Minister of Information has revoked SIUPP's in the past without giving the offending publications an adequate chance to defend themselves.

They also protested punishing an entire organization for the alleged sins of one or several individuals. The Minister later told Parliament he had no intention of modifying his control over the SIUPP. A newspaper editor whose newspaper lost its SIUPP in 1990 for publishing a poll which was judged insulting to the Prophet Muhammad was sentenced in April to 5 years in prison, later reduced by 6 months, on criminal charges of insulting a religion.

The Government occasionally censors publications and continues the practices of telephoning editors to suppress stories and censoring foreign periodicals. An article about East Timorese workers

in Java that was to appear in the prominent news weekly TEMPO, for example, was censored in early September at the insistence of military officers who came to the magazine's offices.

The Government closely regulates access to Indonesia by visiting and resident foreign correspondents and occasionally reminds the latter of its prerogative to deny requests for visa extensions. The Australian Broadcasting Corporation, for example, was allowed to reopen a bureau in Jakarta after a lengthy break caused by controversy over Australian media coverage of Indonesia. The importation of foreign publications and video tapes, which must be reviewed by government censors, requires a permit. Importers usually avoid foreign materials critical of the Government or dealing with topics considered sensitive, such as human rights. Foreign periodicals and newspapers, readily available in Indonesia, are subject to censorship prior to distribution. The International Herald Tribune was allowed to resume distribution in March after a 4-month hiatus caused by a 1990 article critical of the business dealings of members of the President's family. When the Government expressed outrage at the article, the newspaper's Indonesian distributor ceased distribution.

The risk of official sanctions and informal government instructions generally influence the media to avoid or exercise great caution in disseminating views of government critics. However, coverage of opposition views conveyed to the Parliament in July during a meeting with the Petition of 50 dissident group was extensive. Lack of clear guidelines on what is permissible has generated a significant degree of self-censorship both in public speaking and in the press. However, as in 1990, the limits of government tolerance were regularly tested in 1991 in published editorials, opinion pieces, cartoons, and public statements.

While academic freedom is provided for in law, constraints exist on the activities of scholars. They sometimes refrain from producing materials which they believe might provoke government displeasure. Publishers are often unwilling to accept manuscripts dealing with controversial issues, and those that do sometimes find works banned long after they have been published. For example, an Indonesian translation of a Japanese scholar's work on Indonesia was banned in September, a year after its publication, because the Government felt it discredited President Soeharto. This was one of at least 15 books the Government banned in 1991.

b. Freedom of Peaceful Assembly and Association

All organizations must have government permission to hold regional and national meetings. Local jurisdictions often require prior approval for smaller gatherings as well. While obtaining such approvals is fairly automatic, authorities occasionally withhold permission. The Indonesian Lawyers Association, for example, was unable to get government permission to hold its national meeting. Meetings of nongovernmental organizations are sometimes subject to substantial official efforts to produce specific outcomes. Student gatherings have often been the target of disapprovals, and ostensible political activity at universities remains forbidden under the "Campus Life Normalization" (NKK) law of 1978. The Government also banned political campaigning from university campuses in connection with the 1992 parliamentary elections.

The 1985 Social Organizations (ORMAS) Law requires all organizations, including recognized religions and associations, to adhere to Pancasila. This provision, which limits political activity, is widely understood as prohibiting groups which seek to make Indonesia an Islamic state. The law empowers the Government to disband any organization it believes to be acting against Pancasila and requires prior government approval for any organization's acceptance of funds from foreign donors. Government attitudes towards human rights groups varied. Jakarta police in August entered a private home without a warrant and broke up a gathering of members of the dissident group known as the Petition of 50. The meetings had been held weekly in the same home for nearly 11 years without prior incidents. At the same time, three new discussion groups concerned with promoting democracy and human rights were formed and operated without government interference.

c. Freedom of Religion

The Constitution recognizes and provides for religious freedom for Islam, Christianity, Buddhism, and Hinduism, and permits practice of the mystical, animistic beliefs of "Aliran Kepercayaan." Although the population is overwhelmingly Muslim, the practice and teachings of the other recognized faiths are respected. The Catholic Church, for example, operates widely in East Timor, but the activities of some of its clergy are carefully monitored by security forces concerned with their political sympathies. Various restrictions on religious activity nonetheless exist. According to official statistics, nearly 400 "misleading religious cults" are banned, including some Islamic groups considered heretical. Existing bans affect many thousands of adherents, and new bannings by national or local authorities occur periodically. Ten of the books banned by the Government in 1991 concerned religious topics.

Although banned, several thousand Jehovah's Witnesses are believed to practice in Jakarta alone. Adherents are periodically detained and their religious materials confiscated. A 1963 ban on the Baha'i faith continues in force. The private practice of banned religions is often tolerated, although authorities periodically harass adherents or pressure them to convert to the recognized faiths. Because the first tenet of Pancasila is belief in a supreme being, atheism is forbidden. The legal requirement to adhere to Pancasila extends to all religious and secular organizations.

The Government strongly opposes Muslim groups which advocate establishing an Islamic state or acknowledging only Islamic law, both of which are outlawed. Over 300 and possibly many more alleged Muslim extremists are estimated to be serving prison terms on subversion charges. Visiting Muslim fundamentalist teachers have been particularly susceptible to deportation.

There is no legal bar to conversion between faiths, and conversions occur. However, proselytizing between the recognized religions or in areas heavily dominated by one recognized religion or another is considered potentially disruptive and is discouraged. Foreign missionary activities are relatively unimpeded. In recent years, however, some foreign missionaries have had difficulty renewing visas or residence permits—a few on unspecified "security grounds." Laws and decrees from the 1970's do not allow foreign missionaries to spend more than 10 years in Indonesia, with extensions to 15 in exceptional circumstances only. With rare exceptions, enforcement of this policy does not discriminate by sect or nationality. Exceptions to the 10-year rule have been granted to foreign religious workers since late 1987 in the remote areas of Irian Jaya and Kalimantan and, more recently, in other parts of the country. The Government says it intends over time to reduce the number of foreign missionaries in order to encourage employment of Indonesians. Foreign missionary work is subject to the funding stipulations of the ORMAS law discussed above. Indonesians practicing the recognized religions maintain active links with coreligionists inside and outside Indonesia and travel abroad for religious gatherings. The Government permits a set number of pilgrims to make the hajj annually.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Restrictions on freedom of movement exist. Permits to seek work in a new location are required in certain areas, primarily to control further population movement to crowded cities. Previously some ethnic Chinese encountered legal and bureaucratic obstacles to obtaining citizenship, although the Government's stated policy was to encourage them to apply. In connection with the 1990 renewal of diplomatic ties between Indonesia and China, officials announced that stateless Chinese—currently estimated to number 300,000—must adopt the citizenship of one country or the other and that Indonesia's procedures would be simplified and shortened. Restrictions on travel to China were lifted by the Government in August.

Government officials acknowledged that some 17,000 Indonesians are under an absolute foreign travel ban. Included in this group are former political prisoners and government critics such as some members of the Petition of 50. Officials also acknowledged that a second list exists of persons whose permission to travel is decided only when they apply for an exit permit. Some critics, however, are free

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to travel abroad, and a person prohibited at one time may be permitted to travel subsequently. Students wishing and able to do so can generally go abroad for study. Restrictions exist on movement by Indonesian and foreign citizens to and within parts of Irian Jaya. Security checks affecting transportation and travel in Aceh occurred sporadically in early 1991, and permission was required to visit certain districts considered sensitive for security reasons. Curfews were sometimes in force in connection with military operations in parts of East Timor and Aceh. Family visits back to East Timor by East Timorese now living in Australia continued. Former political detainees, including those associated with the abortive 1965 coup, must notify authorities of their movements and may not change their place of residence without official permission.

Indonesia continued its generous attitude regarding Indochinese asylum seekers. It has granted first asylum to over 123,000 Indochinese asylum seekers since 1975, and the population of its Galang Island facility was about 20,000 through most of 1991. Galang's Cambodian population was about 1,750. Indonesia considers the Cambodians illegal entrants rather than asylum seekers. Nevertheless, Cambodians have been allowed to remain in Indonesia, pending an international decision on how to resolve their situation. Indonesia also continued its cooperation with the U.N. High Commissioner for Refugees (UNHCR) and the ICRC on the return of residents of Irian Jaya who had fled to Papua New Guinea during separatist violence in the eastern portion of the province.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Parliament, political organizations, and the general public have only limited ability to influence government decisions, and citizens cannot change the system of government or its leadership. President Soeharto and a small group of active duty and retired military officers and civilian officials exercise governmental authority. The military has responsibility under a "dual function" doctrine for national defense and security plus sociopolitical affairs. The military is predominant in the political and security fields. The Constitution provides Parliament a mechanism to call the President to account in extraordinary circumstances.

The Parliament considers bills presented to it by government departments and agencies but does not draft laws on its own, although it has the constitutional right to do so. The Government seeks to resolve potential parliamentary concerns before bills are officially presented. Parliament makes technical and (occasionally) substantive alterations to bills it reviews. Through consultations and hearings with ministers and other executive branch officials, press statements, and field trips, Parliament is contributing more actively to the content and execution of government policy than previously. This was especially true in 1991, when debates over "openness," press control, land tenure, travel restrictions, and the role of Parliament itself were given wide publicity. Nonetheless, Parliament remains clearly subordinate to the executive branch.

Only three political organizations are allowed by law. GOLKAR, a government-sponsored organization of diverse functional groups, dominates. Two small political parties—the United Development Party (PPP) and the Indonesian Democratic Party (PDI)—also operate. By law they embrace Pancasila. They are not considered opposition parties and seldom espouse policies much different from those of the Government. The leaders of all these organizations are approved, if not chosen, by the Government, and their activities are closely scrutinized and often guided by government authorities. GOLKAR maintains close institutional links with the armed forces and KORPRI, the nonunion association to which all civil servants automatically belong. Civil servants may join either of the political parties with official permission, but most are members of GOLKAR. Former members of the PKI and some other banned parties may not run for office or be active politically.

General elections for Parliament and for provincial and district assemblies are held every 5 years. GOLKAR won 73 percent of the national vote in the 1987 elections. New elections are scheduled to be held in June 1992. All adult citizens are eligible to vote, except active-duty members of the armed forces,

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convicted criminals serving prison sentences, and 36,345 former PKI members. Voters may choose by secret ballot between the three approved
political organizations, who field candidate lists in each electoral district. Those lists must be screened by BAKORSTANAS (see Section 1.d. above), which determines whether candidates were involved in the abortive 1965 Communist coup or adhere to other banned ideologies. Critics charge these screenings are unconstitutional, since there is no way to appeal the results, and note that they can be used to eliminate government critics from Parliament.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government generally ignores calls by domestic human rights groups and activists for investigations of alleged human rights incidents. While various domestic organizations and persons interested in human rights operate energetically, the Government discourages public human rights activities. Some human rights activists have complained of government harassment.

The Government considers outside investigations of alleged human rights violations to be interference in its internal affairs. Amnesty International, for example, is banned from Indonesia. Nonetheless, the Government granted the ICRC access to political prisoners arrested in connection with the insurgency in Aceh and to jailed Muslim extremists. Under a 1985 agreement, the ICRC is authorized by the Government to visit persons held for security reasons in East Timor. Nonetheless, the ICRC experienced significant delays in gaining access to those wounded or imprisoned in the November 12 East Timor incident, and in getting permission to revisit prisoners in Aceh first seen in July. The ICRC annually visits and interviews the prisoners convicted of participation in the abortive, Communist-backed coup in 1965.

Various foreign parliamentary groups visited trouble spots such as Aceh and East Timor, although a November visit by Portuguese parliamentarians to East Timor was canceled at the last minute because of a dispute over the inclusion of a foreign journalist the Indonesian Government considered biased. The prospects for a Portuguese visit were unclear at year's end. The U.N. Special Rapporteur for Torture visited Jakarta and East Timor in November, but a workshop on human rights jointly sponsored by the Government and the United Nations was postponed at the latter's initiative in December.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Indonesians exhibit considerable tolerance for ethnic, racial, and major religious differences, with the important exception of official and informal discrimination against ethnic Chinese. Since 1959 noncitizen ethnic Chinese have been denied the right to run businesses in rural Indonesia. Regulations prohibit the operation of all-Chinese schools for ethnic Chinese citizens, formation of exclusively Chinese cultural groups or trade associations, and public display of Chinese characters. Chinese-language publications, with the exception of one officially sanctioned daily newspaper, can neither be imported nor produced domestically. Private instruction in Chinese is discouraged but takes place to a limited extent. No laws prohibit speaking Chinese, but the Government lays heavy stress on the learning and use of the national language, Bahasa Indonesia.

Many people of Chinese ancestry have nonetheless been successful in business and the professions, and the enforcement of restrictions is often haphazard. Some ethnic Chinese have enjoyed particular government favor. Social and religious groups exist which are, in effect, all-Chinese and not proscribed. Jakarta authorities have ended the practice of marking local identification cards to indicate Chinese ethnicity. However, 1991 saw a rise in anti-Chinese feeling in many quarters of Indonesian society, particularly against the affluent Chinese.

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Under the law, and as President Soeharto and other officials periodically affirm, women are equal to and have the same rights, obligations, and opportunities as men. Some Indonesian women enjoy a high degree of economic and social freedom and occupy important mid-level positions in the civil service, educational institutions, labor organizations, the military, the professions, and private business. Although women constitute one quarter of the civil service, they occupy only a small fraction of the service's top posts. Women make up about 40 percent of the overall work force, with the majority in the rural sector. Despite legal guarantees of equal treatment, women seldom receive equal pay for equal work and disproportionately experience illiteracy, poor health, and nutrition. Traditional attitudes which limit women's aspirations, activities, and status undercut state policy in some areas. Several voluntary, private groups work actively to advance women's legal, economic, social, and political rights and acknowledge some success in gaining official cognizance of their concerns.

Violence against women is an acknowledged though inadequately documented problem. The Government has recognized domestic violence as a problem in Indonesian society and provides some counseling, as do several private organizations. However, cultural, social, psychological, and other factors inhibit reporting of such abuse and recourse by victims to counseling and legal protection.

Section 6 Worker Rights

a. The Right of Association

Private sector workers, including those in export-processing zones, are free to form or join unions without previous authorization, but in order to bargain on behalf of employees a union must meet the requirements for legal recognition and register with the Ministry of Manpower. The requirements for legal recognition are representation in at least 20 of the 27 provinces, branch offices in at least 100 districts, and 1,000 local units at plant level. The unions draw up their own constitutions and rules and elect their representatives while under close government scrutiny and subject to government approval prior to registration. Less than 6 percent of the estimated 78-million-member work force is organized. The All Indonesia Workers Union (SPSI), which groups together private sector workers, is the only recognized intersectoral trade union body. In 1990 the SPSI reorganized into 13 autonomous divisions, covering broad industrial sectors and specialized institutes. It has about 10,000 local units at the plant level and claims over 3 million members, although only about 900,000 actually pay dues.

In November 1990, a number of human rights campaigners created the Setia Kawan (Solidarity) free trade union, alleging that the SPSI had failed to defend worker interests adequately. While the Coordinating Minister for Political and Security Affairs initially stated that the Government would not approve the new trade union when it sought to register because to do so would violate the Government's single-trade union policy, he later indicated that the Government would tolerate the new organization if it did not do anything illegal. The Government has made no formal move to ban Setia Kawan. However, the Setia Kawan is not able to function as a labor union since it does not meet the requirement for legal recognition referred to above. Setia Kawan organizers have been harassed, and in June Secretary General Saut Aritonang reported he was abducted by armed men and detained for several days. Prior to this incident, Aritonang had indicated he would be going to Geneva to bring Setia Kawan's case before the International Labor Organization (ILO) during the ILO's annual International Labor Conference at which the Indonesian Minister of Manpower would be president of the conference. The Indonesian Government has denied responsibility for Aritonang's disappearance, and Aritonang has not publicly speculated on the identity of his abductors.

Prior to the 1990 SPSI National Congress, the Joint Secretariat of Industrial Unions carried out certain limited trade union functions which excluded collective bargaining. At the 1990 Congress, however, a number of its principal leaders rejoined the SPSI and, while the Joint Secretariat continues to exist in name, it is not a functioning organization.

In 1990 the Teachers' Association (PGRI) was allowed to register as a trade union with exclusive jurisdiction for this sector. The PGRI, which consists of 1.3 million teachers, including teachers in religious, private, and public schools, has representation in all 27 provinces. It has not, however, attempted to bargain over wages and working conditions, preferring its traditional role of working with the Government to pursue the interests of its members. Some PGRI officials are employees of the Ministry of Education.

State enterprise employees and civil servants, including public school teachers, must belong to KORPRI, a nonunion association whose Central Development Council is chaired by the Minister of Home Affairs. In 1990, for the first time, a KORPRI subunit successfully negotiated four collective bargaining agreements with the state-owned coal company.

The Government and employers have considerable influence over SPSI affairs; a retired military lieutenant colonel and GOLKAR district chairman with some prior union experience is chairman of the largest provincial branch of the SPSI, primarily due to government backing. The Minister of Manpower is a member of the SPSI Consultative Council. SPSI officials are pressured to join GOLKAR, and GOLKAR members dominate the SPSI leadership. Several SPSI leaders are in the DPR and are members of the GOLKAR faction.

Under the ORMAS law (see Section 2.b.), government approval is needed for meetings outside union headquarters. Permission is routinely given. A union may be dissolved if the Government believes it is acting against Pancasila. There are no laws or regulations laying out the procedures for the dissolution of a union, and there have been no cases of union dissolution. The SPSI is free to maintain international contacts.

While Pancasila principles call for labor-management differences to be settled by consensus, all organized workers, with the exception of civil servants, have a legal right to strike. However, before a strike can occur in the private sector, the law requires intensive mediation by the Ministry of Manpower and prior notice regarding the intent to strike. Most disputes are settled through negotiation and consensus, due in part at least to fear of police and employer retaliation. In 1991 there was a significant increase in the number of strikes, especially on the part of workers demanding employer compliance with the legal minimum wage. In a number of instances, the military or police were called to the scene of the strike. The nature of military and police involvement at work stoppage sites has been varied. Most often the security forces have limited themselves to protecting property and preventing violence, although there have been reports of conscious attempts to intimidate strikers. Their mere presence has no doubt had a dampening effect on the willingness of workers to pursue strike or other protest activity. However, there have also been reports that military officers have attempted to mediate at strike sites and worked to settle disputes to which they were called.

The largest strike, involving approximately 12,000 workers engaged in the manufacture of automobile tires in the industrial area west of Jakarta, prompted the Minister of Political Affairs and Security to charge that "would-be heroes" and other unnamed parties were behind the recent strikes. On several occasions the Minister of Manpower stated the strikes were the result of workers' increasing awareness of their legal rights. During the first 11 months of 1991, there were 112 officially recorded strikes compared to 45 for all of 1990. Most of these strikes were wildcat and so technically illegal, but there were no reports of strike leaders or workers being prosecuted for conducting them. Many strikes occur suddenly and without prior attempts to resolve problems and may not be included in official statistics. There have been a few reports of employer retaliation against strike leaders, but this seems to be the exception and not the rule. Most strikes are settled relatively quickly and all workers return to work.

Strike outcomes varied. In some cases employers have quickly complied with worker demands that salaries be increased to the legal minimum wage. Others have been less successful with workers returning to work with only partial gains or none at all.

In practice there are no clear, established procedures regarding the settlement of disputes. If the parties cannot settle the matter, it is usually submitted to the Ministry of Manpower's Mediation and Conciliation Service. If the parties do not accept the mediator's decision, the mediator or either party may submit the matter to tripartite (government, employers, employees) administrative tribunals or to arbitration. The Minister of Manpower may nullify the decisions of administrative tribunals on legal or national interest grounds. Although technically the Minister's decisions may be appealed to the courts, in practice it is rarely done.

Indonesia has for many years been the subject of complaints in the ILO regarding the ban on organizing public sector unions, insufficient protection against antiunion discrimination, restrictions on the registration of trade unions and collective bargaining, and the exercise of the right to strike. The ILO Conference in June again regretted that Indonesian law was still not in conformity with the requirements of ILO Convention 98, which Indonesia has ratified.

b. The Right to Organize and Bargain Collectively

Collective bargaining is provided for by law, but only registered trade unions can engage in it. The Ministry of Manpower vigorously promotes collective bargaining as an instrument of industrial relations in accordance with Pancasila. The overwhelming majority of the SPSI's collective bargaining agreements are negotiated and concluded bilaterally with employers. Once notified that 25 employees have joined a registered union, the employer is under an obligation to bargain. As a transitional stage to encourage collective bargaining, regulations require that every company which has 25 or more employees must issue company regulations defining the terms and conditions of employment. Before a company can register or renew its company regulations, it must demonstrate that it has consulted with a committee consisting of employer and employee representatives, in the absence of a union. Of the approximately 10,000 SPSI units, only about half have collective bargaining agreements. The degree to which these agreements are freely negotiated between unions and management without government interference varies. By regulation, negotiations are to be concluded within 30 days. If not, the matter is submitted to the Ministry of Manpower for mediation and arbitration. In practice, most negotiations are concluded within the 30-day period. Agreements are for 2 years and can be extended for 1 more.

Labor law applies equally in export processing zones. While some companies in these zones have SPSI units, none have negotiated collective bargaining agreements. Regulations expressly forbid employers prejudging or harassing employees because of union membership, and employees are urged to report harassment to the Government. The SPSI claims that some employers discriminate against its members and those wishing to form SPSI units.

Many strikes and protests take place in support of fired union officials. Charges of antiunion discrimination are handled by the administrative tribunals. Many union members believe that the tribunals generally side with the employer. Because of this perceived partiality, many workers reject or avoid the process and present their disputes before the Parliament and other agencies. Workers can organize without restriction in a private enterprise, even if it is designated vital by the Government, subject to the recognition procedures discussed above. If the State has a partial interest, the enterprise is considered to be in the public service domain, but this does not legally limit organizing. There are a significant number of government/private joint enterprises which have labor unions and which bargain collectively.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited by law. However, in 1990 credible reports asserted that military and civilian officials in Irian Jaya cooperate with Jakarta-based timber companies to compel Asmat tribespeople to cut down trees and transport them downstream to waiting ships, and that the Government resettlement program raises serious questions of informed consent. There are also documented reports of labor contractors in Jakarta selling girls as domestic servants or to brothels near plantations, and of men sold

as agricultural workers. The Government responded that it was investigating the allegations. The Government did not release the results of this investigation, however, in 1990 or 1991.

d. Minimum Age for Employment of Children

Child labor continues to be a major problem. The Ministry of Manpower acknowledges that there is a class of children under age 14 who, for socioeconomic reasons, must work and notes that the child labor laws, which provide detailed safeguards, have not been fully enforced.

Employers are supposed to report in detail on every child employed, and the Ministry of Manpower is supposed to carry out periodic inspections. Employers not complying with the law and regulations are legally subject to fines of $65 and/or up to 3 months in jail for each infraction, but the Government still relies on persuasion and teaching employers rather than penalizing them. The Ministry of Manpower continues to admit that employer compliance with the regulations is inadequate (less than 50 percent of companies employing children have registered), and that it still lacks enough qualified inspectors to carry out inspections. Observers claim that over 2 million children under the age of 14 are working half- to full-time, mostly in family-run businesses in the informal sector and at agricultural sites, where enforcement is difficult. Efforts to control child labor focus primarily on instituting educational programs for working children.

e. Acceptable Conditions of Work

The law establishes 7-hour workdays and 40-hour workweeks, with one-half hour of rest for each 4 hours of work. It provides for a 24-hour rest period each week. Regulations allow employers to deviate from the normal work hours upon request to the Minister of Manpower with the agreement of the employees. In the absence of a national minimum wage, minimum wages are established by regional wage councils working under the supervision of the National Wage Council. This is a quadripartite body consisting of representatives from labor, management, government, and universities. It also establishes a basic needs figure for each province—a monetary amount considered sufficient to enable a single worker or family to meet the basic needs of nutrition, clothing, and shelter. The minimum wage rates constantly lag far behind the basic needs figures and fall short of providing a decent standard of living.

Observance of minimum wage and other laws regulating benefits and labor standards varies from sector to sector and from region to region. Employer violations of these guarantees are considered to be fairly common and often the subject of strikes and employee protests. Government supervision and enforcement have been weak or nonexistent. In May 1989, the Manpower Minister issued regulations giving ministry officials a legal basis to carry out periodic inspections and providing for fines or imprisonment for employers who do not comply. In March 1990, spurred on by an Asian-American Free Labor Institute/SPSI minimum wage compliance project, which showed that 50 to 70 percent of employers in three targeted areas in Jakarta were paying less than the minimum wages, the Manpower Minister began to prosecute some employers for violating minimum wage regulations in order to set an example.

Both law and regulations provide for minimum standards of industrial health and safety. In the more profitable and largely Western-operated oil sector, safety and health programs function reasonably well. However, safety and health programs in the country's over 100,000 large, registered companies in the nonoil sector are still hampered by the limited number of qualified inspectors from the Ministry of Manpower (less than 1,300), the slowness with which the firms establish the required plant-safety committees, the need for more and better training of government inspectors and plant-safety personnel, and the lack of employee appreciation for sound health and safety practices. A National Health and Safety Council, an advisory body established under the Ministry of Manpower, was created in 1990 to oversee the enforcement efforts of over 6,000 company safety committees. Workers are obligated to report hazardous working conditions, and employers are prevented by law from retaliating against those who do, but in practice enforcement is weak.